

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

PAMELA J. MCKEEVER,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner, Social Security
Administration,

Defendant.

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Civil Action No. 7:12-CV-00217-O-BL

ORDER

This is a social security case. Plaintiff Pamela McKeever (“Plaintiff” or “McKeever”) filed this action seeking judicial review of a adverse final decision of the Commissioner of Social Security (“Commissioner”) under 42 U.S.C. § 405(g). Pursuant to 28 U.S.C. § 636(b), and an order of the Court in implementation thereof, this case was referred to United States Magistrate E. Scott Frost for review and submission of proposed findings of fact and recommendation for disposition. On February 28, 2014, the Magistrate Judge issued his Report and Recommendation (the “Report”), wherein he recommended that the Court reverse the decision of the Administrative Law Judge (“ALJ”) denying Plaintiff disability insurance benefits under Title II of the Social Security Act, and remand the matter for further proceedings. *See* ECF No. 21, Report at 6. Specifically, the Magistrate Judge recommended remand to the ALJ to further address step five of the five-step sequential analysis,¹ finding that the ALJ based his decision to deny benefits on a vocational expert’s

¹Under step five, the Commissioner must determine whether the identified “impairment prevents the claimant from doing any other substantial gainful activity.” *See Audler v. Astrue*, 501 F.3d 446, 447-48 (5th Cir. 2007).

responses to defective hypothetical questions. *Id.* at 4-6. The Magistrate Judge further recommended remand so that the ALJ could obtain further testimony from the vocational expert before making his ultimate determination of whether substantial evidence supported a finding that a significant number of jobs existed which McKeever could perform. *Id.* at 6. No objections to the Report have been filed.

After an independent review of the pleadings, file, record, applicable law, and the Magistrate Judge's Report, the Court **accepts** the Magistrate Judge's findings and recommendation, and hereby **reverses** and **remands** this case to the Commissioner for further proceedings consistent with the Magistrate Judge's Report, and this Order accepting the Report.

SO ORDERED this 17th day of March, 2014.


Reed O'Connor
UNITED STATES DISTRICT JUDGE